

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

Virginia Baptist Hospital
Craddock Auditorium
3300 Rivermont Avenue
Lynchburg, VA 24503
Friday, April 23, 2004

**ADMINISTRATIVE MEETING
8:00 a.m.**

COMMITTEE MEMBERS PRESENT

Joyce Bozeman, Chair
Michael Marsh, Vice-Chair
Delores Archer
Jim Briggs
Angela Brosnan
Barbara Jenkins
Carmen Thompson
Bobby Tuck
Davey Zellmer

HUMAN RIGHTS STAFF PRESENT

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Chuck Collins, Regional Human Rights Advocate, Region I
Musa Ansari, Regional Human Rights Advocate, Region II
Reginald T. Daye, Regional Human Rights Advocate, Region V
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Deborah Jones, Facility Human Rights Advocate, SWVMHI

New Member Committee

The committee to identify an individual to replace Jim Briggs upon the expiration of his second term discussed applicants for SHRC Membership. Barbara Jenkins volunteered to interview the applicants by telephone.

Reappointments

The SHRC agreed to recommend to the State MHMRSAS Board the reappointments of Delores Archer, Joyce Bozeman and Mike Marsh.

Officer Nominating Committee

Delores Archer summarized the activities of the officer nominating committee, and nominated Dr. Joyce Bozeman as Chair and Dr. R. Michael Marsh as Vice-Chair for the July 1, 2004 through June 30, 2005 term.

The motion was made and unanimously passed to appoint Dr. Joyce Bozeman as Chair and Dr. R. Michael Marsh as Vice-Chair for the July 1, 2004 through June 30, 2005 term.

Is There a Better Human Rights Model?

Chuck Collins, Regional Human Rights Advocate, Region I, presented his report on human rights models in other states and offered a comparative analysis of Virginia's system in relation to the other models. Mr. Collins believes that the system in the Commonwealth of Virginia is the best model currently available.

Virginia has external advocacy agencies (i.e., VOPA, NAMI), that provide a check and balance system together with the federal protection and advocacy organization, PAIMI, and the internal advocacy system, which includes local human rights committees (LHRCs). Mr. Collins stated that the LHRC system, which includes members who are consumers, gives Virginia's human rights program its greatest source of strength and credibility.

Jim Briggs commended Mr. Collins for his excellent assessment and presentation.

Barbara Jenkins stated that providers of services are not paying much for LHRC administrative support, and that they need to get more involved. LHRCs should be compensated for their work, and the scale should be tipped more in favor of the consumer, rather than the provider. She also suggested that LHRCs should spend time with each provider, and to accomplish this, each provider should send a representative to every LHRC meeting.

A complete copy of the *SHRC Response to the Final Report of the LHRC Study Group* will be provided to the SHRC in the June 4, 2004 packet.

Draft SHRC Annual Report

Margaret Walsh lead a discussion of the Draft SHRC Annual Report. The committee will work on goals for the upcoming year and develop strategies for implementation to be included in the report. Barbara Jenkins suggested adding the goal of a stronger involvement in community placement issues. Another suggested goal was that the SHRC review the LHRC Seminar evaluations, prioritize issues accordingly, and develop strategies for needed changes, etc.

The committee will continue to work on the report and a final document will be submitted to the State MHMRSAS Board upon completion. The Office of Human Rights will insert updated appendixes where appropriate.

LHRC Seminar

Margaret Walsh, State Human Rights Director, spoke briefly about the March 30 and 31, 2004 LHRC Seminar. Overall response to the seminar has been positive. The SHRC asked that the Office of Human Rights tabulate and summarize seminar evaluations in time for review during the July 16, 2004 SHRC Meeting. Seminar packets and copies of opening remarks will be provided to SHRC members in the June 4, 2004 meeting packet.

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Joyce Bozeman, Chair
Michael Marsh, Vice-Chair
Delores Archer
Jim Briggs
Angela Brosnan
Barbara Jenkins
Carmen Thompson
Bobby Tuck
Davey Zellmer

STAFF PRESENT:

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary

Chuck Collins, Regional Human Rights Advocate, Region I
Musa Ansari, Regional Human Rights Advocate, Region II
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center
Deborah Jones, Facility Human Rights Advocate, SWVMHI
Tonya Cunningham, Facility Human Rights Advocate, CSH Forensics
Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital

OTHERS PRESENT:

Dana M. Johnson, Assistant Attorney General
R.E., SVMHI, Complainant
A.B., CSH, Complainant
Dr. Charles Davis, Director, Central State Hospital
2 Security Guards, Central State Hospital
Derrick Jones, Direct Services Aide, Southern Virginia Mental Health Institute
JoAnn Hutchins, Direct Services Aide, Southern Virginia Mental Health Institute
Samantha Halsey, Security Guard, Central State Hospital
Michael Farley, Security Guard, Central State Hospital
Virginia Berkley, Chair, Heartland Regional Local Human Rights Committee

CALL TO ORDER:

The April 23, 2004, State Human Rights Committee meeting was called to order by Joyce E. Bozeman, Ph.D., Chair. Dr. Bozeman welcomed everyone to the meeting and lead SHRC members and staff in introducing themselves for all present.

MINUTES

The minutes of the March 5, 2004 SHRC meeting were accepted as presented.

APPEAL

Central State Hospital : R.E., A.B., and Residents of CSH Building 96

This matter came before the SHRC on appeal of a decision of the Central State Hospital (CSH) Local Human Rights Committee. Dr. Charles Davis, CSH Facility Director, presented the case for CSH. R.E and A.B., with the assistance of Tonya Cunningham, Human Rights Advocate, presented the case on their own behalf. At the request of R.E. and A.B., the hearing was held in closed session.

Members present were Joyce Bozeman, Ph.D., Dr. R. Michael Marsh, M.S.W., Ph.D., Davey Zellmer, R.N., Angela Brosnan, M.D., Barbara Jenkins, J.D., Delores Archer, MSW, Carmen Thompson, James Briggs and Bobby Tuck. Margaret Walsh, Human Rights Director, Kli Kinzie, Secretary, James O. Bowser, Jr., Regional Human Rights Advocate, Region IV, Samantha Halsey, Security Guard, Central State Hospital, Michael Farley, Security Guard, Central State Hospital, Derrick Jones, Direct Services Aide, SVMHI, and JoAnn Hutchins, Direct Services Aide, SVMHI, were also present.

The motion was made and passed to go into Executive Session pursuant to Virginia Code, 2.2-3711 (15), for the purpose of discussion of information excluded from the Freedom of Information Act.

Upon reconvening in public session, the State Human Rights Committee unanimously certified that to the best of each State Human Rights Committee member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the Executive Session were discussed in the Executive Session

The motion was made and unanimously passed that the SHRC upholds the finding of the CSH Local Human Rights Committee of a violation of 12 VAC 35-115-70 (A) (2), Participation in decision-making.

The motion was made and unanimously passed that the SHRC upholds the finding of the CSH Local Human Rights Committee of a violation of 12 VAC 35-115-100 (B) (2) (5), Restrictions of Freedoms of Everyday Life.

The motion was made and unanimously passed that the SHRC upholds the finding of the CSH Local Human Rights Committee of a violation of 12 VAC 35-115-100 (C) (4), Restrictions of Freedoms of Everyday Life.

SHRC Recommendations:

The SHRC commends the Central State Hospital LHRC for its efforts regarding this case and unanimously accepts and supports each of the LHRC recommendations as listed below.

1. The LHRC recommends that the hospital reinstate the right of forensic patients in Building 96 to smoke. In doing so, they should use procedures that take into account plausible safety and security

- threats, but which, as much as possible, are implemented in a manner consistent with other CSH units.
2. The LHRC recommends that the hospital collaborate with residents to design and implement regular community meetings for purposes of providing information of interest to patients.
 3. The LHRC recommends that the hospital amend policy #EOC 11a titled Tobacco Products, The Use of, to eliminate the restriction of patients in Building 96 from smoking and/or using tobacco products.

Requests for Guidance

Piedmont Geriatric Hospital

Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital, discussed an incident resulting in Group 3 disciplinary action being taken against an employee of Piedmont Geriatric Hospital. Subsequent activities resulted in a lowering of disciplinary level to Group 2.

Mike Marsh suggested the SHRC write to the Department of Human Resources (DHR) regarding the training of hearing officers. Anne Stiles requested that the SHRC initiate a system-wide data collection on findings of abuse and neglect, and resulting activities.

The SHRC decided to seek data on findings of abuse and neglect, then request the Office of Human Resources and Data Management send a representative to an SHRC meeting to explain how group notices are processed and reduced.

The Committee thanked Ms. Stiles for bringing this issue forward on behalf of the LHRC.

Fairfax Falls-Church LHRC

Mr. Musa Ansari, Regional Advocate, Region II, requested guidance concerning potential conflict of interest. The question was "Should an independent contractor serve on an LHRC when clients of that contractor must present to that LHRC service plans developed by the contractor."

After considerable discussion, it was the consensus of the SHRC members that this situation has the appearance of a conflict of interest.

BYLAWS

Middle Peninsula/Northern Neck Local Human Rights Committee

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Middle Peninsula/Northern Neck LHRC, a request to amend their bylaws in order to comply with the Human Rights Regulations as promulgated on November 21, 2001.

A motion was made and unanimously passed to approve the Middle Peninsula/Northern Neck Local Human Rights Committee Bylaws as submitted.

Genesis RTC Local Human Rights Committee

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Genesis RTC LHRC, a request to amend their bylaws in order to comply with the Human Rights Regulations as promulgated on November 21, 2001.

The Local Human Rights Committee also made a request to change its name from "Genesis RTC Local Human Rights Committee" to "Genesis Local Human Rights Committee".

A motion was made and unanimously passed to approve the Genesis RTC LHRC Bylaws as submitted as well as their request to change the committee's name to, "Genesis Local Human Rights Committee".

Williamsburg Community Hospital Local Human Rights Committee

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Williamsburg Community Hospital Local Human Rights Committee, a request to change its name from, "Williamsburg Community Hospital Local Human Rights Committee", to "Williamsburg Regional Local Human Rights Committee".

A motion was made and unanimously passed to approve the Williamsburg Community Hospital Local Human Rights Committee's request to change the committee's name to "Williamsburg Regional Local Human Rights Committee". This change should be incorporated in the LHRC Bylaws.

Hampton/Newport News Community Services Board Local Human Rights Committee

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Hampton/Newport News Community Services Board LHRC, a request to amend their bylaws in order to comply with the Human Rights Regulations as promulgated on November 21, 2001.

The Local Human Rights Committee also made a request to change its name from, "Hampton/Newport News Community Services Board LHRC" to "Southeast Advocate Alliance Local Human Rights Committee".

A motion was made and unanimously passed to approve the Hampton/Newport News Community Services Board Local Human Rights Committee Bylaws as submitted.

The SHRC denied the Hampton/Newport News Community Services Board Local Human Rights Committee's request to change its name to, "Southeast Advocate Alliance Local Human Rights Committee". The State Human Rights Committee indicated that using the term "Advocate" in the LHRC's name could lead to some confusion with regard to the role and function of the local human rights committee.

LHRC MEMBERSHIP:

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code § 2.2-3711 for the purpose of considering memberships of Local Human Rights Committees.

Upon reconvening in open session, the State Human Rights Committee unanimously certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the Executive Session were discussed in the Executive Session.

The motion was made and unanimously passed to appoint the following applicants to the respective Local Human Rights Committees.

Lifeline of VA

Appoint:

Crystal Thompson
Eunice Chambers
Gloria Jean Carter
Coleen Johnson

Anne Hobbs
Piedmont Geriatric Hospital
Appoint:
David O. Nelms
Genesis Residential Treatment Center
Reappoint:
Wilbert Stowes
Universal Family
Reappoint:
Brenda Steward
Suffolk Regional
Appoint:
Ellie T. Parker
Middle Peninsula Northern Neck
Appoint:
Frank Jewell
Eastern State Hospital
Appoint:
Emma Ralls
Reappoint:
Vincent Gill
Doris Foreman
Ned Goodman
Hampton/Newport News CSB
Reappoint:
Martha Tennille
Rappahannock-Rapidan CSB
Appoint:
Laura Rogers
Truitt Ramsey Woods
Richmond Tri-Cities
Appoint:
Nathan M. Beyah
Reappoint:
Cristal Cunningham

The motion was made and unanimously passed to accept the following resignation.

Valley CSB
Resignation:
Karen L. Cochran

APPEAL

Eastern Shore CSB, Health Planning Region V LHRC : J.M.S.

This case came before the State Human Rights on appeal of a decision of the Health Planning Region V (HPRV) Local Human Rights Committee. Mr. Barry Lee, Human Rights Advocate, presented the case on behalf of JMS. The mother, father and sister of JMS were also in attendance. Mr. James Cannon, Executive Director of Eastern Shore Community Services Board represented the provider. Members present were Dr. Joyce Bozeman, Dr. Michael Marsh, Davey Zellmer, Dr. Angela Brosnan, Barbara Jenkins, J.D., Delores Archer, MSW, Carmen Thompson, James Briggs and Bobby Tuck. Margaret Walsh, Human Rights Director, Kli Kinzie, Secretary, and Reginald T. Daye, Regional Human Rights Advocate, Region V, were also present.

The motion was made and passed to go into Executive Session pursuant to Virginia Code, 2.2-3711 (15), for the purpose of discussion of information excluded from the Freedom of Information Act.

Upon reconvening in public session, the State Human Rights Committee unanimously certified that to the best of each State Human Rights Committee member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the Executive Session were discussed in the Executive Session.

The motion was made and passed by a vote of 7-2 to overturn the finding of the HPRV LHRC of no violation of 12 VAC 35-115-50 B (2), Exploitation.

The motion was made and passed by a vote of 5-4 to SHRC overturn the finding of the HPRV LHRC that there was no violation of 12 VAC 35-115-60, (B) (5), Services.

The motion was made and passed by a vote of 9-0 to overturn the finding of the HPRV LHRC of no violation of 12 VAC 35-115-80, Confidentiality, as it applies to the actions of JC.

The motion was made and passed by a vote of 7-2 to overturn the finding of the HPRV LHRC of no violation of 12 VAC 35-115-80, Confidentiality, as it applies to the actions of Dr. R.

Recommendations:

The SHRC finds this case to be an egregious example of exploitation.

All providers should receive notice of the circumstances in this case as it relates to the finding of exploitation. Providers should be encouraged to revise policy and procedures that address personal relationships between consumers and staff to be consistent with this finding.

The SHRC commends the Health Planning Region V Local Human Rights Committee for its efforts regarding this case and unanimously accepts and supports each of the LHRC recommendations as listed in the LHRC decision.

Having no further business to discuss, the motion was made and passed to adjourn the meeting.

Respectfully submitted,

Joyce Bozeman, Ph.D., Chair
State Human Rights Committee